

1894-021  
Lee Co.

Chancery Causes: E. W. Bishop vs. Adm. of Isaiah F. Burk &c

Robinson, Pridemore, Duncan

CA - Debt  
T - Property

To the Honorable John A. Kelly Judge of  
the Circuit Court of Lee County Virginia

Humbly complaining your ora-  
tor C. W. Bishop would respectfully show  
to your Honor that heretofore to wit on the  
28<sup>th</sup> day of August 1872. Isaac H. Burr  
executed to him his two notes for the sum  
of One hundred and Twenty five dollars each  
and due respectively on the 1<sup>st</sup> day of March  
1877. and 1<sup>st</sup> day of March 1878. all of which  
will more fully appear by reference to said  
notes here with filed as a part hereof marked  
(A). That said two notes are still due and  
unpaid, That they are a part of the pur-  
chase price of a tract of land situated  
in said County some 12 Miles West of Jonsville  
That said tract of land was conveyed to the  
said Burr by your Orator & his wife  
Bishop and A. L. Loyd & Minerva his  
wife by deed bearing date on the day of  
187. in which a lien is retained for the  
unpaid purchase price of said land, all  
of which will more fully appear by reference  
to said deed a copy of which is here with filed  
marked. (B.) Your Orator will now further  
show your Honor that all the purchase price  
of his moiety of said land has been paid except  
the two installments or notes above referred to



and no part of said two notes or either of  
them has been paid. Your Orator will further  
show your Honor that the said Isaac H  
Burst has lately departed this life intestate  
and that letters of Administration on his  
estate have been granted by the County Court  
of said County to David Burst a son of  
the said Isaac. That the said Isaac H  
Burst left surviving him a widow Sarah  
J Burst and the following children to wit Doris  
Burst Mary C Burst Estelle D Robinson  
(formerly Burst) who intermarried with Sam-  
uel Robinson Hester Burst Mattie Burst  
Sallie B Burst Robt E H Burst Eliza J  
Burst John Burst and Isaac Burst his  
heirs at law to whom said lands descend  
Now the object of your Orator's bill is to  
have specific execution of the contract  
between himself and said purchaser  
of said land and to collect the unpaid  
balance of the purchase money and  
being without remedy at common law  
and relievable only in a Court of  
Chancery he prays your Honor to take  
cognizance of his case and grant him  
relief to this end he makes Doris Burst  
Administrator of said Isaac Burst and  
and in his own right as an heir at law



of said Burd Sarah J Burd widow  
of the said Isaiah Burd. Mary C Burd  
Etelia D Robinson & Samuel Robinson  
her husband Matthew Burd Mattie  
Burd Sallie B Burd Robert E L Burd  
Eliza S Burd John Burd and Isaiah  
Burd parties defendant to this bill and  
prayer that the adult depts may be required  
to answer its several allegations on oath  
that a Guardian ad litem be appointed  
to answer and defend the rights of Matthew  
Mattie Sallie B. Robert E L Eliza S. John  
and Isaiah who are infants under the  
age of 21 years. And upon a final hearing  
that enough of said lands be sold to pay  
the unpaid balance of the purchase mon-  
ey yet due your orator together with such  
interest as has now or may hereafter  
accrue thereon and if Master in his  
special prayer then he prays for gener-  
al relief May God issue etc

Morison & Duncan  
for Plaintiffs.



Orch 1.5-4 July 1881.

Exhibits A & B filed

1881 Aug. 22. *Deane's* *Acrid.*

1882 Ranch Sierra Blanca

11 Aug 1890 - 1890

1883 Apr. Aug. 1884  
1885 Jan. 1886 Apr. 1887

1894, 907-250  
1893 907-250

1886 cont'd this Year

1887 Could this year  
1888 Could this Year  
1889 Could this Year

1881 could this year  
1890 could this year  
1891 could this year

1842  
1893  
1893  
1893

final See P. 13 Page 16

...



\$125<sup>00</sup>

On or before the first day of March 1877  
I bind myself heirs &c to Pay E. H. Bishop  
or order, One hundred and twenty five Dols.  
Value rec<sup>d</sup> August 28/1872

Isaac H Bump (Seal)

\$125<sup>00</sup>

On or before the first day of March 1878  
I bind myself heirs &c to pay E. H. Bishop or order  
One hundred and twenty five Dols.  
Value rec<sup>d</sup> August 28<sup>th</sup> 1872

Isaiah H Bump (Seal)

Isaiah Buck  
Notes  
E. W. Bishop

(A)



To the Honorable John A. Kelly, Judge of the  
Circuit Court of Lee County Va.

The answer of Huseton Burk, Mattie Burk, Sallie  
M. Burk, Robert E. L. Burk, Eliza S. Burk, John Burk &  
Isaiah Burk, infant children of Isaiah S. Burk decd,  
by R. W. Orr Jr. to a Bill in Chancery filed in  
Your Honors' Court, by E. W. Bishop against  
these wards & others, In answer your Respondent  
says, that he knows nothing of the truth or falsity  
of the allegations in Jeffs' bill, and is advised  
of no defense proper for him to make as their guar-  
dian in the said suit, but this Court is a Court  
of equity, and such Courts being the peculiar guar-  
dian of the rights and interests of infants, your  
respondent begs leave, to place the rights and  
interests of his said wards into the hands of  
Your Honor, knowing that they will be there  
protected.

R. W. Orr Jr.  
Guardian ad litem.

Sworn to before me, March 24<sup>th</sup> 1877.

James W. Orr. Clerk.



Mattie Burk et als

vs } Ans. by  
3 G. A. L.

E. W. Bishop

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Filed per. Rules 1879.

Jas W Orr. Clerk.

Fee \$5<sup>00</sup>



To the Honorable John S. Kelly Judge  
of the Circuit Court of the County  
the separate Answer of J. H. Bank  
Answer of Estate of J. H. Bank answer  
to a Bill filed in this Honorable Court  
against him & others by E. W. Bishop.  
Respondent Answering says that  
he supposes it is true the notes  
issued or were <sup>or that payment</sup> ~~issued~~ for the loan  
in compliance to Bill mentioned, but  
refuses to pay them.

It is true Respondent Answering  
refuses said Estate and will some  
property but the fund has been  
substantiated in the payment of  
funeral expenses and taxes & debts  
except a note he holds on same. But  
once he cannot say whether ~~or not~~  
he can realize any thing out of it  
or not. He will not as he  
refuses to pay it.

Respondent is advised & says that  
Mr. Warron also has a suit pending  
in this Honorable Court against the  
same parties to subject the same loan  
which two suits ought to be consolidated.  
So as to avoid such a multiplicity of  
suits, which is ruinous to this Estate  
which is now poor, and the loan is



also poor and should not be concerned with  
costs, and he insists that they should  
be heard as all in the end out of  
costs will be taxed.

Young man answered so much of contents  
said Bill as it is advised it is not  
pertinent to answer says to be satisfied  
with his costs.

Holaday

Virginia Security to wit  
this day of 4th Bank said of extent  
of 4th Bank demand made costs  
before me that the facts stated in the  
affidavit answer are true so far as they  
depend upon his own knowledge and  
so far as they depend upon information  
derived from others he believes them to  
be true.

Dec. 27th 1879

James W. Orr. Clerk.

4th Bank said  
Dec 3rd Answer  
C. W. Bishop

Filed Dec 28th 1879.  
James W. Orr. Clerk.



E.W.Bishop

Plaintiff.

vs.

In Chancery.

D.F.Burk, Admr. et als. Defendants.

and ~~Mrs. Parsons~~.

M.C.Parsons, Assignee &c. Plaintiff

vs.

D.F.Burk, Admr.et als. Defendant.

These causes having been heretofore heard together, and coming on this day to be heard upon the papers formerly head in each of them, were argued by counsel. And it appearing to the court that all matters and things in the first named cause have been settled up, said cause is stricken from the docket. And the case of M.C.Parsons, Assignee &c. against D.F.Burk, A Admr. at als. will hereafter be proceeded in alone, and for that purpose it is retained on the docket and is continued.



E. W. Bishop  
vs.  $\frac{2}{3}$  Chy  
D. F. Burk, Admr. et al.  
and  $\frac{2}{3}$  Decree  
M. C. Parsons Assignee  
vs.  $\frac{2}{3}$  Chy.  
D. F. Burk, Admr. et al.

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Decree,

Copied in Chauncy  
Order Book Page 60

Enter this decree

M. L. M.

Nov. 9th 1894.



W Bishop

Petty

vs

3 In chancery

David Bursell Administrator of J. Bursell, dec'd vs

This cause came on this 4<sup>th</sup> day of April 1879 to be heard upon the bill and exhibits filed therewith the answer of the infant defendants by R. H. Orr Junr their guardian ad litem filed at this term of the Court and was argued by counsel and it appearing to the Court that process has been duly served upon the adult defendants for more than 30 days before the first day of this term and that they have failed to appear answer or plead the bill is taken for confessed as to them, it is therefore adjudged ordered and decreed that the plaintiff recover of the defendants the sum of Two hundred & fifty dollars with interest on \$125-00 part thereof from the 1<sup>st</sup> day of March 1877 and like interest on \$125-00 the residue thereof from the 1<sup>st</sup> day of March 1878. Till paid and the costs of this suit and it further appearing that said \$250-00 is for a part of the purchase price of the land in the bill mentioned, for which a lien was retained in the deed of conveyance, to the said Bursell, it is therefore adjudged ordered and decreed that unless the said David Bursell Administrator of J. Bursell, dec'd shall within



30 days from the rising of this Court pay  
said sum of money with its interest and  
the costs of this suit. Then that C. S. Duncan  
who is hereby appointed a special commis-  
sioner, for the purpose shall sell so much  
of said land as will be sufficient to pay the  
said sum of \$250 and its interests and the  
costs of this suit and commissions of sale.  
Said sale shall be upon a credit of six or  
twelve months except a sum sufficient to  
pay costs of suit and commissions of sale  
which shall be paid down; for the deferred  
payments the commissioner will require  
bonds bearing interest from date with good  
personal security but before proceeding  
to execute this decree he will give notice of  
the time place and terms of sale by posting  
written notices thereof at three public places  
in said county one of which shall be on the  
Court house door and another in the neigh-  
borhood where said land lies he will report  
his action to the next term of this Court and  
the cause is continued

E. W. Bishop

vs. M. Deane

Davis Court Jan. Term

March Term 1879

Entered Page 34.

J. W. Ord. R.C.

Enter

for 250

and 4/79



Virginia, Lee county, to wit.

This day A. L. Pridemore & C. T. Duncan personally appeared before me and each made oath that A. R. Surringer admitted in their presence, on the 30<sup>th</sup> day of August 1880, that he had sold the land purchased by him, at the Court's sale of the land of Isaiah Burdick, to V. S. Leox, ~~for an advance~~ <sup>as purchase</sup> of two hundred & seventy five dollars, on the sum bid by him, given under my hand, Aug 31<sup>st</sup> 1880.

James W Orr Clerk.



E. W. Bishop et al

vs { affidavit of Price  
more & Duncan.

David Burk Amey



# The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Burk Admr of Isaiah  
H Burk decd, David Burk in his own right,  
Sarah J Burk widow of said, Isaiah H Burk,  
Mary C Burk, Etellie L Robt, ~~Robert Robinson~~ her husband  
Sallie B Burk Robt E L Burk Eliza J Burk John Burk  
Isah Burk*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*February*

next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them*

by *E. W. Bishop*

And have then there this writ.

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

*25th*

day of

*January*

1879; in the 103<sup>rd</sup> year of the Commonwealth.

*James W. Orr*

CLERK.



20.  
 50.  
 18.  
 18.  
 10.  
 100.  
 15. G. A. L.  
 26.  
 70. Ex.  
 36.  
 36. --- 100/79.  
 40.  
 4.73  
 1.50 Tax  
 \$ 6.23

m + 2  
 E. H. Bishop

{ Spd in Chancery  
 (5 copies)

David Burk Aug 79  
 at abt

Feb Rules 1879

Executed Jan'y 31<sup>st</sup> 1879  
 by delivery & office  
 copy to the apts.

Thos Ely Secy.

For receipt legal service of the within Spd in Chy  
 January 31<sup>st</sup> 1879  
 David H Burk Admr  
 Joseph Burk  
 John Burk  
 Edgar Burk  
 Robert Burk  
 Daniel Burk